

CALDWELL LESLIE & PROCTOR, PC
MICHAEL J. PROCTOR, State Bar No. 148235
proctor@caldwell-leslie.com
ROBYN C. CROWTHER, State Bar No. 193840
crowther@caldwell-leslie.com
JEFFREY M. HAMMER, State Bar No. 264232
hammer@caldwell-leslie.com
ARMILLA STALEY-NGOMO, State Bar No. 259686
staley-ngomo@caldwell-leslie.com
725 South Figueroa Street, 31st Floor
Los Angeles, California 90017-5524
Telephone: (213) 629-9040
Facsimile: (213) 629-9022

Attorneys for Plaintiff LODGEPOLE
INVESTMENTS, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

LODGEPOLE INVESTMENTS, LLC, a Nevada limited liability company,

Case No. CV 13-00446 NC

Plaintiff.

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE
AS MODIFIED.**

The Hon. Nathanael M. Cousins

Current CMC Date: August 14, 2013, at 3:00 p.m.

Proposed CMC Date: September 25, 2013, at 10:00 a.m.

Defendants

EDWARD GENNADY BARSKY, an individual; ST. TROPEZ CAPITAL, LLC, a California limited liability company; and MONACO DEVELOPMENT, LLC, a California limited liability company.

Defendants

1 Plaintiff Lodgepole Investments, LLC (“Lodgepole Investments”) and Defendant Monaco
 2 Development, LLC (“Monaco”), by and through their undersigned counsel, hereby stipulate as
 3 follows:

4 WHEREAS Lodgepole Investments filed this lawsuit on January 31, 2013;

5 WHEREAS, on January 31, 2013, the Court issued an Order Setting Initial Case
 6 Management Conference and ADR Deadlines, and scheduled the Initial Case Management
 7 Conference for May 1, 2013, at 10:00 a.m.;

8 WHEREAS, on February 6, 2013, Defendants Edward Gennady Barsky and St. Tropez
 9 Capital, LLC filed a Notice of Automatic Stay of this lawsuit, pursuant to 11 U.S.C. § 362(a) and
 10 based on their filing of voluntary Chapter 11 bankruptcy petitions in the United States Bankruptcy
 11 Court, Central District of California;

12 WHEREAS the automatic stay has no application to the claims brought against Monaco,
 13 which has not filed a bankruptcy petition;

14 WHEREAS, on April 26, 2013, pursuant to the parties’ stipulation, the Court entered an
 15 Order continuing the Initial Case Management Conference to June 5, 2013, at 10:00 a.m., and
 16 continued all other deadlines set forth in the Court’s Order Setting Initial Case Management
 17 Conference (Dkt. No. 7);

18 WHEREAS, on May 30, 2013, pursuant to the parties’ stipulation and in light of the
 19 significant progress made in settlement negotiations by Lodgepole Investments and Defendants,
 20 the Court entered an Order continuing the Initial Case Management Conference to July 10, 2013,
 21 at 10:00 a.m., and continued all other deadlines set forth in the Court’s Order Setting Initial Case
 22 Management Conference (Dkt. No. 9);

23 WHEREAS, on July 8, 2013, pursuant to the parties’ stipulation and in light of the
 24 significant progress made in settlement negotiations by Lodgepole Investments and Defendants,
 25 the Court entered an Order continuing the Initial Case Management Conference to August 14,
 26 2013, at 3:00 p.m., and continued all other deadlines set forth in the Court’s Order Setting Initial
 27 Case Management Conference (Dkt. No. 11);

28

1 WHEREAS, Lodgepole Investments and Defendants have reached a settlement in principle
2 that will fully resolve this action, and are working to finalize the written terms of such settlement;

3 NOW THEREFORE, Lodgepole Investments and Monaco hereby stipulate and agree that,
4 subject to the Court's approval, the Initial Case Management Conference shall be continued to
5 September 25, 2013, at 10:00 a.m., and that all other deadlines set forth in the Court's Order
6 Setting. Initial Case Management Conference and ADR Deadlines are continued accordingly.

7 DATED: August 7, 2013

8 Respectfully submitted,

9 CALDWELL LESLIE & PROCTOR, PC

10 By _____ /S/

11 ROBYN C. CROWTHER
12 Attorneys for LODGEPOLE INVESTMENTS, LLC

13 DATED: August 7, 2013

14 Respectfully submitted,

15 By _____ /S/

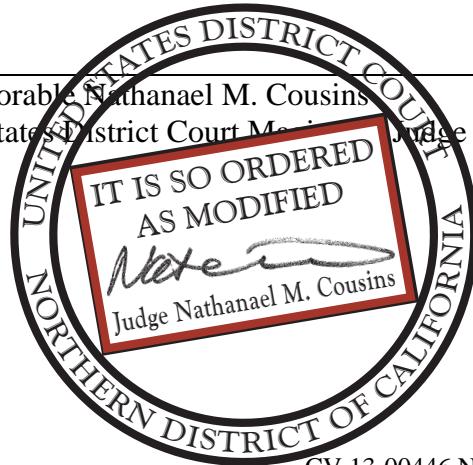
16 MAKSYM CHERNIAVSKYI, managing
17 member of MONACO DEVELOPMENT, LLC

18 Joint case management statement due September 18, 2013. Defendant shall file their consent form
19 or request reassignment NO LATER than September 18, 2013.

20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

21 DATED: August 23, 2013

22 The Honorable Nathanael M. Cousins
23 United States District Court Magistrate Judge



1 **ATTESTATION PURSUANT TO LOCAL RULE 5-1**

2 Pursuant to Local Rule 5-1 of the Northern District of California, I attest that concurrence
3 in the filing of this document has been obtained from each of the other signatory to this document.

4 DATED: August 7, 2013

5 Respectfully submitted,

6 CALDWELL LESLIE & PROCTOR, PC

7

8 By _____ /S/

9 ROBYN C. CROWTHER
10 Attorneys for LODGEPOLE INVESTMENTS, LLC

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28